



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 19 2006

Kurt G. Chandler
Regional Environmental Scientist
Environment and Cultural Resources
Bureau of Indian Affairs
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Dear Mr. Chandler:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (DEIS) issued by the Bureau of Indian Affairs (BIA) for the Oneida Nation of New York Conveyance of Lands into Trust (CEQ #20060480). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations for implementing NEPA (40 CFR Parts 1500-1508).

The DEIS analyzed the environmental impacts of placing up to 35,000 acres of land in Oneida and Madison Counties, New York into trust for the Oneida Nation of New York. The analyses performed and information included in the DEIS are quite thorough. We are pleased to see that the document evaluated seven different groupings of land for trust status. However, BIA has not chosen a preferred alternative at this time. Moreover, the DEIS states that the BIA's final decision on the application "may or may not closely resemble one of the alternatives in the DEIS." Accordingly, EPA rated each of the alternatives. Alternative A would take 17,370 acres into trust, alternative B would take 17,370 acres into trust and allow for the phased acquisition of an additional 17,630 acres, alternative C would take 9,903 acres into trust, alternative D would take 3,248 acres into trust, alternative E would only take the Turning Stone Casino gaming floor tax lot (22.5 acres) into trust, alternative F would take a more compact arrangement of 11,986 acres into trust, and alternative G is the No Action alternative, with no land being taken into trust for the Oneida Nation.

Based on our review, we do not anticipate that conveying up to the 17,370 acres now owned by the Oneida Nation of New York into trust will result in significant adverse impacts to the environment (Alternatives A, C, D, E, F, G) and we have assigned these alternatives with a rating of LO – Lack of Objections (see enclosed rating sheet). However, as Alternative B does not identify the additional 17,630 acres that would be

purchased by the Nation in the future and added to any lands held in trust, a full environmental evaluation cannot be made at this time and would require a secondary NEPA document as more information became available. This alternative is rated EC-2 - Environmental Concerns, Insufficient Information.

Thank you for the opportunity to comment on the DEIS. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'John Filippelli', is written over a faint horizontal line.

John Filippelli, Chief
Strategic Planning Multi-Media Programs Branch

cc: A. Raddant, DOI